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Attorneys for Plaintiffs,
ARISTA RECORDS LLC; UMG
RECORDINGS, INC.; and SONY BMG
MUSIC ENTERTAINMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARISTA RECORDS LLC, a Delaware limited
liability company; UMG RECORDINGS, INC.,
a Delaware corporation; and SONY BMG
MUSIC ENTERTAINMENT, a Delaware
general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:08 CV 01049 SI

Honorable Susan Illston

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for May 30, 2008 at 2:00 p.m. to August 29, 2008. As further explained below,
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for May 30, 2008 at 2:00 p.m.
6 Plaintiffs have not requested any previous continuances of the case management conference in this
7 matter.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John
9 Doe ("Defendant") on February 21, 2008. Plaintiffs did not have sufficient identifying information
10 to name the defendant individually in the Complaint, but were able to identify Defendant by the
11 Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

12 3. In order to determine Defendant's true name and identity, Plaintiffs filed their *Ex*
13 *Parte* Application for Leave to Take Immediate Discovery on February 21, 2008, requesting that the
14 Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

15 4. The Court entered an Order for Leave to take Immediate Discovery on February 28,
16 2008, which Plaintiffs then served upon the ISP along with a Rule 45 subpoena. On April 16, 2008,
17 the ISP responded to Plaintiffs' subpoena, providing Plaintiffs with identifying information
18 including a name, telephone number, and address.

19 5. Plaintiffs sent a letter to the individual identified by the ISP on April 29, 2008
20 notifying her of their claims for copyright infringement and encouraging her to make contact to
21 attempt to amicably resolve this matter. Thereafter, settlement discussions took place and Plaintiffs
22 believe that a settlement has been reached. Settlement documents were mailed on May 9, 2008, but
23 have not yet been executed and returned to Plaintiffs.

24 6. If the signed settlement documents are returned by June 20, 2008 or shortly
25 thereafter, Plaintiffs will file appropriate dispositional documents with the Court. If not, Plaintiffs
26 plan to file a First Amended Complaint naming the individual identified by the ISP as the defendant
27 in this case, and then proceed to serve process upon her.

1 7. Given the foregoing circumstances, a case management conference is unnecessary at
2 this time. Plaintiffs therefore respectfully request that the Court continue the case management
3 conference currently set for May 30, 2008 at 2:00 p.m. to August 29, 2008.

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5 Dated: May 20, 2008

HOLME ROBERTS & OWEN LLP

6
7 By: /s/ Matthew Franklin Jaksa

MATTHEW FRANKLIN JAKSA

8 Attorney for Plaintiffs
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10 **[PROPOSED] ORDER**

11 Good cause having been shown:

12 **IT IS ORDERED** that the case management conference currently set for May 30, 2008 at
13 2:00 p.m. to August 29, 2008.

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17 Dated: _____

By: _____

Honorable Susan Illston

18 United States District Judge
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